

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESTATE OF WILLIAM HENNEFER et
al.,

Plaintiffs,

v.
YUBA COUNTY et al.,

Defendants.

No. 2:22-cv-00389-TLN-KJN

ORDER

The parties appeared, through counsel, for an informal telephonic conference regarding discovery on September 8, 2023, before the undersigned. Attorney Patrick H. Dwyer appeared for plaintiffs, attorney Matthew W. Gross appeared for defendants.¹

According to the joint statement filed by the parties prior to the conference, plaintiffs seek a court order that: 1) plaintiffs be permitted to re-notice the depositions of Deputies Eck, Saecheo, Aguirre, Mullins, and Mallory, 2) defendants pay for costs and fees of the re-noticed depositions, and reimburse plaintiffs for the prior depositions, 3) a forensic audit of the computer defendant used to download the video be conducted, and 4) defendants produce names and a detailed description regarding the handling of the video. (ECF No. 28.)

¹ This matter was referred to the undersigned pursuant to Local Rule 302(c)(1).

During the informal conference, however, it became apparent that the parties disagree about what drone footage videos were actually produced. According to plaintiffs, there are three videos that were never previously produced by defendants. According to defendants, all videos were produced to plaintiffs during the initial discovery, albeit in a low-quality format.

Because this disagreement is central to the instant discovery dispute, the court hereby orders that the parties further meet and confer to identify exactly what videos were produced and when. The court also orders that plaintiffs' attorney be permitted to re-notice the deposition of Deputy Mallory, for which defendants are required to pay the costs of a court reporter and transcripts. Plaintiffs' requests are otherwise denied without prejudice to renewal.

ORDER

11 || It is HEREBY ORDERED that:

Dated: September 10, 2023

henn.0389

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE